

1
2
3
4
5
6 **BEFORE THE**
7 **BOARD OF REGISTERED NURSING**
8 **DEPARTMENT OF CONSUMER AFFAIRS**
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 2011-771

11 **SANDRA KAY WILSON**
12 **3609 W. 20th Lane**
13 **Yuma, AZ 85364**
14 **Registered Nurse License No. 535744**

DEFAULT DECISION AND ORDER

15 Respondent. [Gov. Code, §11520]

16 **FINDINGS OF FACT**

17 1. On or about March 15, 2011, Complainant Louise R. Bailey, M.Ed., RN, in her
18 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
19 Consumer Affairs, filed Accusation No. 2011-771 against Sandra Kay Wilson (Respondent)
20 before the Board of Registered Nursing. (Accusation attached as Exhibit A.)

21 2. On or about August 21, 1997, the Board of Registered Nursing (Board) issued
22 Registered Nurse License No. 535744 to Respondent. The Registered Nurse License expired on
23 March 31, 2003, and has not been renewed.

24 3. On or about March 15, 2011, Respondent was served by Certified and First Class
25 Mail copies of the Accusation No. 2011-771, Statement to Respondent, Notice of Defense,
26 Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6,
27 and 11507.7) at Respondent's address of record which, pursuant to California Code of
28 Regulations, title 16, section 1409.1, is required to be reported and maintained with the Board,
which was and is: 3609 W. 20th Lane, Yuma, AZ 85364.

1 4. Service of the Accusation was effective as a matter of law under the provisions of
2 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
3 124.

4 5. On or about April 5, 2011, the aforementioned documents were returned by the U.S.
5 Postal Service marked "Return to Sender - Attempted Unknown." The address on the documents
6 was the same as the address on file with the Board.

7 6. Government Code section 11506 states, in pertinent part:

8 (c) The respondent shall be entitled to a hearing on the merits if the respondent
9 files a notice of defense, and the notice shall be deemed a specific denial of all parts
10 of the accusation not expressly admitted. Failure to file a notice of defense shall
11 constitute a waiver of respondent's right to a hearing, but the agency in its discretion
12 may nevertheless grant a hearing.

13 7. Respondent failed to file a Notice of Defense within 15 days after service upon her of
14 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 2011-
15 771.

16 8. Government Code section 11520 states, in pertinent part:

17 (a) If the respondent either fails to file a notice of defense or to appear at the
18 hearing, the agency may take action based upon the respondent's express admissions
19 or upon other evidence and affidavits may be used as evidence without any notice to
20 respondent.

21 9. Pursuant to its authority under Government Code section 11520, the Board finds
22 Respondent is in default. The Board will take action without further hearing and, based on the
23 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
24 taking official notice of all the investigatory reports, exhibits and statements contained therein on
25 file at the Board's offices regarding the allegations contained in Accusation No. 2011-771, finds
26 that the charges and allegations in Accusation No. 2011-771, are separately and severally, found
27 to be true and correct by clear and convincing evidence.

28 10. Taking official notice of its own internal records, pursuant to Business and
Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation
and Enforcement is \$1,042.50 as of May 6, 2011.

///

1 DETERMINATION OF ISSUES

2 1. Based on the foregoing findings of fact, Respondent Sandra Kay Wilson has
3 subjected her Registered Nurse License No. 535744 to discipline.

4 2. The agency has jurisdiction to adjudicate this case by default.

5 3. The Board of Registered Nursing is authorized to revoke Respondent's Registered
6 Nurse License based upon the following violations alleged in the Accusation which are supported
7 by the evidence contained in the Default Decision Evidence Packet in this case.:

8 a. Respondent violated Business and Professions Code section 2761, subdivision (a)(4),
9 because she was disciplined by the Arizona State Board of Nursing.

10 ORDER

11 IT IS SO ORDERED that Registered Nurse License No. 535744, heretofore issued to
12 Respondent Sandra Kay Wilson, is revoked.

13 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a
14 written motion requesting that the Decision be vacated and stating the grounds relied on within
15 seven (7) days after service of the Decision on Respondent. The agency in its discretion may
16 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

17 This Decision shall become effective on August 12, 2011.

18 It is so ORDERED July 12, 2011.

19
20 
21
22 FOR THE BOARD OF REGISTERED NURSING
23 DEPARTMENT OF CONSUMER AFFAIRS

24 10698998.DOCX
25 DOJ Matter ID:SA2010102941

26 Attachment:
27 Exhibit A: Accusation
28

Exhibit A

Accusation

1 KAMALA D. HARRIS
Attorney General of California
2 ARTHUR D. TAGGART
Supervising Deputy Attorney General
3 GEOFFREY S. ALLEN
Deputy Attorney General
4 State Bar No. 193338
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 324-5341
Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No.

2011-771

12 **SANDRA KAY WILSON**
3609 W. 20th Lane
13 Yuma, AZ 85364
Registered Nurse License No. 535744

A C C U S A T I O N

14 Respondent.

15
16 Complainant alleges:

17 **PARTIES**

18 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
19 official capacity as the Executive Officer of the Board of Registered Nursing ("Board"),
20 Department of Consumer Affairs.

21 2. On or about August 21, 1997, the Board issued Registered Nurse License Number
22 535744 to Sandra Kay Wilson ("Respondent"). Respondent's registered nurse license expired on
23 March 31, 2003.

24 **STATUTORY PROVISIONS**

25 3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that
26 the Board may discipline any licensee for any reason provided in Article 3 (commencing with
27 section 2750) of the Nursing Practice Act.

28 ///

1 4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not
2 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or
3 to render a decision imposing discipline on the license. Under Code section 2811, subdivision
4 (b), the Board may renew an expired license at any time within eight years after the expiration.

5 5. Code section 2761 states, in pertinent part:

6 The board may take disciplinary action against a certified or licensed
7 nurse or deny an application for a certificate or license for any of the following:

8 (a) Unprofessional conduct, which includes, but is not limited to, the
9 following:

10 (4) Denial of licensure, revocation, suspension, restriction, or any other
11 disciplinary action against a health care professional license or certificate by another
12 state or territory of the United States, by any other government agency, or by another
13 California health care professional licensing board. A certified copy of the decision
14 or judgment shall be conclusive evidence of that action . . .

13 COST RECOVERY

14 6. Code section 125.3 provides, in pertinent part, that the Board may request the
15 administrative law judge to direct a licensee found to have committed a violation or violations of
16 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
17 enforcement of the case.

18 CAUSE FOR DISCIPLINE

19 (Disciplinary Action by the Arizona State Board of Nursing)

20 7. Respondent is subject to disciplinary action pursuant to Code section 2761,
21 subdivision (a)(4), on the grounds of unprofessional conduct, in that she was disciplined by the
22 Arizona State Board of Nursing ("Arizona Board"), as follows: On or about January 27, 2010,
23 pursuant to the Findings of Fact, Conclusions of Law and Order No. 0806070 in the disciplinary
24 action titled "In the Matter of Registered Nurse License No. RN124309 issued to: Sandra Kay
25 Wilson", the Arizona Board revoked Respondent's license to practice registered nursing in the
26 State of Arizona. A true and correct copy of the Findings of Fact, Conclusions of Law and Order
27 No. 0806070 is attached as Exhibit A and incorporated herein.

28 ///

PRAYER

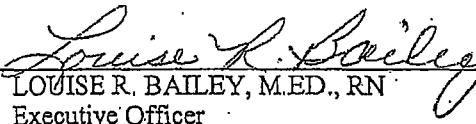
WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 535744, issued to Sandra Kay Wilson;

2. Ordering Sandra Kay Wilson to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

3. Taking such other and further action as deemed necessary and proper.

DATED: 3/15/11


LOUISE R. BAILEY, M.ED., RN

Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

SA2010102941
10634756.doc

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT A

Findings of Fact, Conclusions of Law and Order No. 0806070

Janice K. Brewer
Governor



Joey Ridenour
Executive Director

Arizona State Board of Nursing

4747 North 7th Street, Suite 200
Phoenix AZ 85014-3655
Phone (602) 771-7800 Fax (602) 771-7888
E-Mail: arizona@azbn.gov
Home Page: <http://www.azbn.gov>

AFFIDAVIT OF CUSTODIAN OF RECORDS

STATE OF ARIZONA

COUNTY OF MARICOPA

I, Joey Ridenour, Executive Director for the Arizona State Board of Nursing, County of Maricopa, State of Arizona, do hereby certify that I am the officer having the legal custody for the records hereto attached in the office of the Arizona State Board of Nursing, County of Maricopa, State of Arizona, a public office of said State. The attached copies are true copies of the records on **SANDRA KAY WILSON**. Personnel of the Arizona State Board of Nursing prepared the records during the ordinary course of business.

Witness my hand and the seal of the Arizona State Board of Nursing at 4747 N. 7th Street, Suite 200, Phoenix, Arizona 85014-3655 on September 30, 2010.

SEAL

Joey Ridenour R.N. M.N. F.A.A.N.

Joey Ridenour, R.N., M.N., F.A.A.N.
Executive Director

Arizona State Board of Nursing

Date Printed: 09/30/2010

By: ANNE PARLIN, STAFF

NAME SANDRA KAY WILSON

GENDER: F **ETHNICITY:** White - Not of
Hispanic Origin

PLACE OF BIRTH CITY: YUMA **STATE:** AZ

MAILING ADDRESS

1049 S. Brangus Ave

Yuma AZ 85364

County: Yuma

Country: UNITED STATES

HOME PHONE: N/A

PAGER: N/A

CELL PHONE: N/A

BUSINESS PHONE: N/A

FAX: N/A

E-MAIL: swzonie@msn.com

OTHER NAMES

<u>NAMES USED</u>	<u>REASON</u>	<u>NAMES USED</u>	<u>REASON</u>
SANDRA KAY LEVERETT	Former Name	SANDRA KAY LEVERETT	Former Name

AZ LICENSE/CERTIFICATION INFORMATION:

License/Certificate Number: RN124309

License Type: REGISTERED NURSE

Original Date: 09/22/2003

Expiration/Next Renewal Date: 03/15/2010

Last Issued Date: 07/02/2007

Original State of Licensure/Certification: CALIFORNIA

AZ LICENSE STATUS HISTORY

<u>STATUS</u>	<u>FROM</u>	<u>TO</u>	<u>LAST MODIFIED BY:</u>
Multi State Privileges	08/19/2003	03/16/2010	SUSAN BARBER
Active: Good Standing	09/22/2003	03/15/2010	SUSAN BARBER
Complaint/Self Report	06/24/2008	06/04/2009	STEPHANIE NELSON
Under Investigation	06/04/2009	03/15/2010	SUSAN BARBER
Revoked	03/15/2010		SUSAN BARBER

SCHOOL INFORMATION

<u>NAME</u>	<u>LOCATION</u>	<u>NCLEX CODE</u>	<u>DEGREE OBTAINED</u>	<u>GRADUATION DATE</u>
Southwestern College	Chula Vista CA	04-418	Associates in Nursing	06/01/1997

OTHER STATES OF LICENSURE/CERTIFICATION

<u>LIC/CERT NO</u>	<u>STATE</u>	<u>LIC/CERT TYPE</u>	<u>STATUS</u>	<u>LIC/CERT DATE</u>	<u>ORIG STATE</u>
535744	CA	REGISTERED NURSE	Inactive	03/31/2003	Y
47697	HI	REGISTERED NURSE	Lapsed/Expired	06/30/2005	N

MOST RECENT APPLICATION INFORMATION

Year: 2007

Employment Status:

Type of Nursing Position: Staff/General Duty Nurse/Team Leader/Charge Nurse

Major Clinical or Teaching Area in Nursing: Other

Principle Field of Employment: Hospital

ARIZONA STATE BOARD OF NURSING
4747 North 7th Street, Ste 200
Phoenix, Arizona 85014-3655
602-771-7800

IN THE MATTER OF REGISTERED NURSE
LICENSE NO. RN124309
ISSUED TO:

SANDRA KAY WILSON,

Respondent.

FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND ORDER NO. 0806070

On January 27, 2010, the Arizona State Board of Nursing ("Board") considered the State's Motion to Deem Allegations Admitted and Recommended Discipline and Respondent's Response to the Motion, if any, at the Arizona Board of Nursing, 4747 North 7th Street, Suite 200, Phoenix Arizona 85014-3655. Seth T. Hargraves, Assistant Attorney General, appeared on behalf of the State.

Respondent was not present and was not represented by counsel.

On January 27, 2010, the Board granted the State's Motion to Deem Allegations Admitted. Based upon A.R.S. § 32-1663(F) and Notice of Charges No. 0806070 filed in this matter, the Board adopts the following Findings of Fact, Conclusions of Law, and REVOKES Respondent's license.

FINDINGS OF FACT

1. Sandra Kay Wilson ("Respondent") holds Board issued registered nurse license number RN124309.

2. The Board has authority pursuant to A.R.S. §§ 32-1606, 32-1663, and 32-1664 to impose disciplinary sanctions against the holders of nursing licenses for violations of the Nurse Practice Act, A.R.S. §§ 32-1601 to -1667.

3. On or about May 23, 2005, according to Yuma Police Report No. 0500030451, Respondent was transported to Yuma Regional Medical Center (YRMC) after stating she was

1 suffering from depression and needed help. Respondent admitted that she took one Amitriptyline
2 every hour from 03:00 until 10:30 and also drank two glasses of rum and coke. Respondent also
3 admitted to taking took two Amitriptyline tablets at 10:30. Respondent was admitted to Behavioral
4 Health Services at YRMC.
5

6 4. On or about March 3, 2006, according to Yuma Police Report No. 061081, Respondent
7 was arrested for becoming aggressive towards her son and pushing him. It was also reported that
8 Respondent had been drinking for three days prior to this event. Respondent was transported to
9 Yuma County Adult and did not cooperate. A portable breath test was administered and the results
10 were reported as 0.34. Respondent declined acceptance into treatment and was transported to YRMC
11 for an evaluation.
12

13 5. On or about March 3, 2006, according to YRMC inpatient records, Respondent's urine
14 drug screen results were reported as positive for marijuana and alcohol.
15

16 6. On or about June 24, 2008, Respondent self-reported to the Board that she was
17 terminated from Yuma Medical Center in Yuma, Arizona for a wastage error of Morphine,
18 documentation errors and refusal to submit a urine drug screen. Based upon the complaint the Board
19 conducted an investigation.
20

21 7. From on or about August 2003 until March 2005 and from in or about August 2005
22 until May 28, 2008, Respondent was employed at Yuma Regional Medical Center in Yuma, Arizona.
23 According to her employment file, on or about May 28, 2008, Respondent was terminated for breach
24 of medication administration and documentation requirements according to standard. Medication
25 discrepancies were reported as follows:
26

27 (a) According to the Suremed report. Respondent dispensed a medication to a patient on
28 May 22, 2008 at 18:47, but documented that the medication was given at 15:00. However, the
29

1 order for the medication was not transcribed until May 23, 2008. Respondent stated to her
2 supervisor that she gave the medication but failed to transcribe the medication order to the
3 Medication Administration Record (MAR).

4
5 (b) On or about May 25, 2008 for the same patient, the Suremed report indicated that a
6 medication (Ativan) was dispensed at 15:12. However, there is no documentation to support
7 that Respondent administered the medication to the patient.

8
9 (c) On or about May 23, 2008, medication was ordered for a patient who was off the unit
10 for testing. However, upon the patient's return to the unit, Respondent failed to administer the
11 medication and did not document why the medication was not given.

12 (d) On or about May 23, 2008 an order was written for Zosyn 3.375mgIV every eight
13 hours. Respondent did not transcribe the order on to the MAR. The pharmacy sent a dose of
14 the medication to the unit but there was no evidence that Respondent gave the medication.

15
16 8. On or about May 28, 2008, Respondent was asked by her nursing supervisor to submit
17 to a fitness for duty exam. Respondent refused the exam. Respondent voluntarily resigned. She is not
18 eligible for rehire.

19
20 9. On or about June 4, 2009, the Board voted to issue an Interim Order for Respondent to
21 undergo a psychiatric evaluation with a Board approved Addictionologist. Respondent failed to
22 comply with the Board's Interim Order.

23 CONCLUSIONS OF LAW

24
25 1. The conduct and circumstances alleged in the Findings of Fact constitute violations of
26 A.R.S. § 32-1663(D) as defined in A.R.S. § 32-1601(16) (d) and (j), and A.A.C. R4-19-403(B) (17)
27 and (31) (adopted effective November 13, 2005).

1 2. The conduct and circumstances described in the Findings of Fact constitute sufficient
2 cause pursuant to A.R.S. § 32-1664 (N) to suspend or revoke the license of Sandra Kay Wilson to
3 practice as a registered nurse in the State of Arizona.
4

5 ORDER

6 In view of the above Findings of Fact and Conclusions of Law, the Board issues the following
7 Order:

8 Pursuant to A.R.S. § 32-1664(N), the Board hereby REVOKES registered nurse license
9 number RN124309 issued to Sandra Kay Wilson.
10

11 RIGHT TO PETITION FOR REHEARING OR REVIEW

12 Pursuant to A.R.S. § 41-1092.09, Respondent may file, in writing, a motion for rehearing
13 or review within 30 days after service of this decision with the Arizona State Board of Nursing.
14 The motion for rehearing or review shall be made to the attention of Susan Barber, Arizona State
15 Board of Nursing, 4747 North 7th Street Ste 200, Phoenix AZ 85014-3655, and must set forth
16 legally sufficient reasons for granting a rehearing. A.A.C. R4-19-608.
17

18 For answers to questions regarding a rehearing, contact Susan Barber at (602) 771-7851.
19 Pursuant to A.R.S. § 41-1092.09(B), if Respondent fails to file a motion for rehearing or review
20 within 30 days after service of this decision, Respondent shall be prohibited from seeking judicial
21 review of this decision.
22

23 This decision is effective upon expiration of the time for filing a request for rehearing or
24 review, or upon denial of such request, whichever is later, as mandated in A.A.C. R4-19-609.
25

26 Respondent may apply for reinstatement of said license pursuant to A.A.C. R4-19-404 after a
27 period of five years.
28
29

1 DATED this 27th day of January, 2010.

2 ARIZONA STATE BOARD OF NURSING

3 SEAL

4 *Joey Ridenour R.N. M.N. F.A.A.N.*

5 Joey Ridenour, R.N., M.N., F.A.A.N.
6 Executive Director

7 COPIES mailed February 5, 2010, by Certified Mail No. 7009 0080 0000 0434 0207 and First Class
8 Mail to:

9 Sandra Kay Wilson
10 1049 S Brangus Ave
Yuma AZ 85364

11 COPIES mailed February 5, 2010, by First Class Mail to:

12 Seth T. Hargraves
13 Assistant Attorney General
14 1275 W Washington
15 Phoenix AZ 85007

16
17 By: Vicky Driver
18
19
20
21
22
23
24
25
26
27
28
29